

**REMARKS/ARGUMENTS**

Claims 44 to 49, 54 and 56 have been withdrawn from consideration. Claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 to 5 and 10 to 13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by DE 30 19 377. Claims 1 to 5 and 14 to 20 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Cole et al. (US 6,655,517).

Claim 3 has been amended.

Reconsideration of the application is respectfully requested.

**35 U.S.C. 112 Rejections**

Claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The basis of this rejection was that Claim 3 recites the limitation “the lever arm” in lines 2 to 3, for which there is insufficient antecedent basis.

The word “arm” has been removed from Claim 3, so that Claim 3 recites the limitation “the lever”, for which there is an antecedent basis.

Withdrawal of the rejection to Claims 3 and 4 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully requested.

**35 U.S.C. 102 Rejections**

Claims 1-5 and 10-13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by DE 30 19 377.

DE ‘377 discloses a ring-shaped part 15, which can move back and forth in the direction of cover 10.

Claim 1 recites a lever system for actuating one of a clutch and a transmission brake, the lever system comprising:

a lever having a first end portion, a second end portion, a first support point, and a second support point, the lever providing an actuating force for the one of the clutch and the transmission brake; and

a fulcrum displaceable between a first position engaging the lever at the first support point to a second position engaging the lever at the second support point;

wherein a displacement of the fulcrum from the first position to the second position changes the actuating force.

One definition of lever is a rigid element pivotable about a fulcrum. (See McGraw-Hill Dictionary of Scientific and Technical Terms 1072 (Sybil P. Parker ed., 4th ed, McGraw-Hill Book Co. 1989).) In any event, a lever pivots.

DE '377 does not disclose a lever, since ring-shaped part 15 does not pivot.

Withdrawal of the rejection to Claims 1-5 and 10-13 under 35 U.S.C. § 102 (b) as being anticipated by DE '377 is respectfully requested.

Claims 1-5 and 14-20 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Cole et al. (US 6,655,517).

Cole discloses a clutch fork with an externally removable shaft and indicator washer. An engagement roller 55 engages a section of release assembly 12.

No section of release assembly 12 pivots and thus no lever is present.

Withdrawal of the rejection to Claims 1-5 and 14-20 under 35 U.S.C. § 102 (e) as being anticipated by Cole is respectfully requested.

#### Withdrawn Claims

In view of the arguments above with respect to Claim 1, reinstatement and allowance of all withdrawn claims, which depend from Claim 1, is respectfully requested. It is also respectively noted that the embodiments of Figs. 1 and 2 is not inconsistent with that depicted in Fig. 26a.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

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